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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,798	05/14/2001	Arne Simonsson	34645-00490USPT	8891

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EXAMINER

GANTT, ALAN T

ART UNIT	PAPER NUMBER
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2684

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DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,798

Applicant(s)

SIMONSSON, ARNE

Examiner

Alan T. Gantt

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 22-31 is/are rejected.
- 7) ☒ Claim(s) 11-21 and 32-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4, 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 and 22-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Laakso.

Regarding claim 1, Laakso discloses a method for traffic load control in a telecommunication network . Laakso includes a method of controlling transmitted power in a cell of a packet data mobile radio network consisting of measuring a packet data load in a cell (col. 3, lines 32-58 and col. 4, lines 19-34), determining a common transmitted power based on the packet data load (col. 8, lines 25-42), and applying the common transmitted power to a plurality of channels (col. 8, lines 8-42).

Regarding claim 22, Laakso discloses a system for controlling transmitted power in a cell of a packet data mobile radio network comprising a base transceiver station (col. 3, lines 32-58 and col. 4, lines 19-34), a channel scheduler in the base transceiver station to measure a packet data load within the cell (col. 10, lines 24-25); and a power control unit connected to the channel scheduler and having a power control algorithm configured to determine a common transmitted power base on packet data load; the power control unit is configured to apply the common

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transmitted power to a plurality of channels within the cell (col. 13, lines 35-63 and col. 19, lines 8-22).

Regarding claims 2 and 23, Laakso meets method and system limitations as related to the method and system independent claims – wherein the plurality of channels includes substantially all channels in the cell (col. 8, lines 8-42).

Regarding claims 3 and 24, Laakso meets the following limitation : wherein said plurality of channels includes a group of channels defined based on a quality of service requirement thereof (col. 10, lines 16-40 [there are the non-real-time channels]).

Regarding claims 4 and 25, Laakso meets the following limitation: wherein said plurality of channels includes a group of users defined based on a quality of service requirement thereof (col. 10, lines 16-40 [there are the real-time users such as voice channel users]).

Regarding claims 5 and 26, Laakso meets method and system limitations as related to the method and system independent claims –where the plurality of channels includes downlink channels (col. 16, line 57 to col. 17, line 35).

Regarding claims 6 and 27, Laakso meets method and system limitations as related to the method and system independent claims – where the plurality of channels includes uplink channels (col. 12, lines 9-24).

Regarding claims 7 and 28, Laakso meets method and system limitations as related to the method and system independent claims – wherein said packet data load is weighted according to one or more predetermined criteria (col. 10, lines 16-40 [with Laakso the packet data is a non-real time transmission entity so it is held back from time to time when an overload occurs]).

Regarding claims 8 and 29, Laakso meets method and system limitations as related to the method and system independent claims –wherein said common transmitted power is adjusted with a predefined offset based on individual user quality of service profiles (col. 17, line 50 to col. 18, line 8 [PtxOffset is subtracted from the total transmitted power to bring it below a threshold level]).

Regarding claims 9 and 30, Laakso meets method and system limitations as related to the method and system independent claims – where the channel scheduler measures the packet data load based on channel utilization (col. 19, lines 8-26).

Regarding claims 10 and 31, Laakso meets method and system limitations as related to the method and system independent claims –wherein said packet data load is, statistically derived over a predefined time period (col. 19, lines 8-22 [i.e., load information updating period . . . average packet scheduling period])

Allowable Subject Matter

3. Claim 43 is allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 43, a method of controlling transmitted power that determines a common transmitted power base on a packet data load and applies that power level to a plurality of channels in the cell and then makes adjustments to the common transmitted power for any channel not meeting a radio link quality criteria based on a channel data rate or C/I ratio was neither found suggested, nor made evident by the prior art.

5. Claims 11-21 and 32-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 11 and 32, a channel scheduler that measures packet data load based on packet queue measurements was neither found, suggest, nor made evident by the prior art.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seo discloses a method for controlling traffic load in a mobile communication system.

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Salonaho et al. discloses a method of load control where the load result describing the load is cell-specifically formed.

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

Alan T. Gantt

March 15, 2004

Nick Corsaro

**NICK CORSARO
PATENT EXAMINER**

Primary